

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KELLY MCSEAN,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23 CV 1086 CDP
)	
JESSICA LEMMONS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiff Kelly McSean asks the Court to reconsider its ruling denying her motion to strike, arguing that because defendant Derick Bainbridge asserted false reasons to request additional time to answer her complaint, all documents filed by Bainbridge should be stricken under Federal Rule of Civil Procedure 12(f). Because such stricken documents would include Bainbridge's answer, McSean argues that default should be entered in her favor.


To the extent McSean moves to reconsider the Court's denial of her motion to strike non-pleadings from this case, the motion is denied. *Cason v. St. Louis Pub. Sch.*, No. 4:22-CV-00478-SEP, 2024 WL 1194749, at *1 n.1 (E.D. Mo. Mar. 20, 2024) (Rule 12(f) addresses only material contained in pleadings; attacking non-pleadings through Rule 12(f) motions to strike are generally not permitted) (citing cases). Moreover, other than her bare assertion of false statements,

McSean provides no foundation for claiming that Bainbridge's non-pleading documents signed and submitted by counsel (that is, his counsel's entries of appearance and request for additional time) are based on unsupported factual contentions or presented for an improper purpose. *See* Fed. R. Civ. P. 11(b).

To the extent McSean moves to reconsider the Court's denial of her motion to strike Bainbridge's answer, the motion is denied. McSean has presented no evidence or argument demonstrating that the answer contains an "insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). Because striking a party's pleading is an "extreme measure," motions to strike under Rule 12(f) are "viewed with disfavor." *Stanbury L. Firm v. I.R.S.*, 221 F.3d 1059, 1063 (8th Cir. 2000). McSean provides no basis to strike the pleading under Rule 12(f). The motion to reconsider in this regard is denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Kelly McSean's Motion to Reconsider Motion to Strike [62], in which she also seeks to renew her motion for default, is **DENIED**.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 15th day of July, 2024.